

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

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EMMANUEL HODGES and HOWARD
JOHNSON,

Plaintiffs,

05 CV 2742 (SJ) (VVP)

- against -

ORDER

THE CITY OF NEW YORK, OFFICER
STEVEN J. DELUCA, and UNKNOWN
OFFICERS "1" through "5",

Defendants.
-----X

JOHNSON, Senior District Judge:

Before the Court is a Recommendation ("the recommendation"), made by Magistrate Judge Victor Pohorelsky¹ that the above-captioned case be dismissed for want of prosecution.² Judge Pohorelsky conducted a hearing on June 6, 2007, to determine whether Emmanuel Hodges and Howard Johnson's (hereinafter "Plaintiffs") counsel would be allowed to withdraw. That motion was unopposed and was granted. However, because Plaintiffs did not appear at this hearing, Plaintiff's counsel explained

¹ The Court thanks Judge Pohorelsky for his work in this matter.

² Familiarity with the facts and procedural posture of the case are presumed.

that he had experienced a breakdown communication between he and his clients, and that his clients failed to abide by the terms of the retainer agreement. Judge Pohorelsky found that Plaintiff's conduct, as described by their lawyer, amounted to a failure to prosecute the case. Judge Pohorelsky recommended that the case be dismissed for want of prosecution. Plaintiffs were given ten days to object to Judge Pohorelsky's recommendation; no objections were filed.

A magistrate judge may hear and determine certain motions pending before the Court and to submit to the Court proposed findings of fact and a recommendation as to the disposition of the motion. See 28 U.S.C. § 636(b)(1). Within 10 days of service of the recommendation, any party may file written objections to the magistrate's report. Id. Upon *de novo* review of those portions of the record to which objections were made, the district court judge may affirm or reject the recommendations. Id. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. See Thomas v. Arn, 474 U.S. 140, 150 (1985).

As mentioned, no objections were filed within the allotted time period. Further, the Court has read and reviewed the transcript on the June 6, 2007, hearing and agrees with the factual and legal conclusions drawn by Judge Pohorelsky. Therefore, this Court adopts and affirms Judge Pohorelsky's recommendation in its entirety and finds

that this case shall be dismissed for want of prosecution.

SO ORDERED.

/s/(SJ)

Dated: August 0, 2007

Brooklyn, NY

Senior U.S.D.J.